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March 27, 2008

MAR 28 2008

BY HAND

Honorable William H. Pauley III
United States District Judge
Southern District of New York
500 Pearl Street, Room 2210
New York, New York 10007

MEMORANDUM ENDORSED

Re: Marcus Rasean Thompson v. Captain Artrailyes Carter, et al.
07 Civ. 3243 (WHP)

Your Honor:

I am the attorney in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above matter in which the City of New York is not a named defendant. This Court previously granted the individually named defendants an extension until March 28, 2008 to respond to the complaint. Without appearing on their behalf, I write to respectfully request that defendants' time to file their answer or otherwise respond to the complaint in this civil rights action be further enlarged an additional forty-five days (45) days from March 28, 2008 to May 12, 2008.¹ Plaintiff is incarcerated and proceeding *pro se*; I have been unable to confer with him regarding this request, and accordingly this application is made directly to the Court.

As Your Honor may recall, during the August 31, 2007 conference held in this matter, this office notified the Court that the New York City Department of Correction was conducting an investigation into events related to those alleged in the plaintiff's complaint. On March 20, 2008, the undersigned was informed by the Department of Correction that the

¹ This Office has not discussed with defendants the manner of service, and we make no representation herein as to the adequacy of process on them.

investigation is now closed. As the investigation has just recently closed, this office has yet to obtain a copy of the investigation file and is unaware of the results of the investigation—including whether any determinations of fault were made against any individual or employee of the Department of Correction. In order for this office to determine whether we may represent the individual defendants pursuant to Section 50-K of the New York General Municipal Law, we must first review the investigation file related to plaintiff's incident. A further enlargement of time will afford this office the opportunity to review this file and to make the requisite representational decisions as to the named defendants.

Finally, should the Court grant this request, I respectfully request that the initial conference, scheduled for April 14, 2008 at 10:30 A.M., be adjourned until a date after issue has been joined. The adjournment will allow this office to respond to the complaint prior to the initial conference.

Accordingly, I respectfully request that defendants' time to answer or otherwise respond to the complaint be enlarged to May 12, 2008, and that the Initial Conference be adjourned to a date convenient to the Court after May 12, 2008.

I thank the Court for its time and consideration of this request.

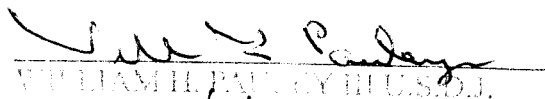
Respectfully submitted,



Amy N. Okereke
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Marcus Rasean Thompson, plaintiff pro se (via first class mail)
07-A-2267
Fishkill Correctional Facility
Box 1245
Beacon, New York 12508

Application granted. Defendants' time to respond to the complaint is extended until May 12, 2008. The initial pre-trial conference is adjourned SO ORDERED: until May 23, 2008 at 11:30 a.m.



4/1/2008